

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

Sep 09, 2010

FILED
CLERK'S OFFICE

IN RE: AREZIA AND ZOMETA PRODUCTS
LIABILITY LITIGATION

Sherri Watson v. Robert G. Gish, M.D., et al.)

N.D. California, C.A. No. 4:10-3770)

(MDTN Case No. 3:10-cv-0849)

MDL No. 1760

CONDITIONAL TRANSFER ORDER (CTO-130)
AND SIMULTANEOUS SEPARATION AND REMAND OF CERTAIN CLAIMS

On April 18, 2006, the Panel transferred 27 civil actions to the United States District Court for the Middle District of Tennessee for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* 429 F.Supp.2d 1371 (J.P.M.L. 2006). Since that time, 559 additional actions have been transferred to the Middle District of Tennessee. With the consent of that court, all such actions have been assigned to the Honorable Todd J. Campbell.

It appears that the action on this conditional transfer order encompasses (1) claims against Novartis Pharmaceuticals Corp. (Novartis) relating to the prescription drug Zometa, which involve questions of fact that are common to the previously transferred MDL No. 1760 actions and (2) claims against defendants other than Novartis which the transferee judge has informed the Panel will not benefit from inclusion in the MDL.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), this action is transferred under 28 U.S.C. § 1407 to the Middle District of Tennessee for the reasons stated in the order of April 18, 2006, and, with the consent of that court, assigned to the Honorable Todd J. Campbell.

The claims against defendants Robert G. Gish, M.D., and California Pacific Medical Center are hereby separated and simultaneously remanded, under 28 U.S.C. § 1407 (a), to the Northern District of California.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Middle District of Tennessee. The transmittal of this order to said Clerk shall be stayed 14 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 14-day period, the stay will be continued until further order of the Panel.

FILED

U.S. DISTRICT COURT
MIDDLE DISTRICT OF TENN.

ATTEST AND CERTIFY
A TRUE COPY

Clerk
U.S. District Court
Middle District of Tennessee

FOR THE PANEL:



Jeffery N. Lüthi
Clerk of the Panel

By Ann Frantz on Sep 10, 2010

By Ann Frantz at 11:51 am, Sep 10, 2010

DEPUTY CLERK

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